

1 RYAN S. BENYAMIN, State Bar No. 322594
2 WILSON SONSINI GOODRICH & ROSATI
3 Professional Corporation
4 633 West Fifth Street, Suite 1550
5 Los Angeles, California 90071
Telephone: (323) 210-2900
Facsimile: (866) 974-7329
rbenyamin@wsgr.com

6 JASON MOLICK (*pro hac vice*)
7 WILSON SONSINI GOODRICH & ROSATI
8 Professional Corporation
9 1301 Avenue of the Americas, 40th Floor
10 New York, New York 10019
Telephone: (212) 999-5800
Facsimile: (212) 999-5899
jmolllick@wsgr.com

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

16 DAVID A. STEBBINS,) CASE NO.: 4:21-cv-04184-JSW
17 Plaintiff,)
18 v.) **OBJECTION TO PLAINTIFF'S
19 KARL POLANO et al.,) UNAUTHORIZED SURREPLY
20 Defendants.) [DKT. 153] AND OPPOSITION TO
21) MOTION FOR LEAVE TO FILE
) SURREPLY [DKT. 152]
) Action Filed: June 2, 2021
)**

1 Plaintiff continues to litter the Court's docket with improper filings. Alphabet and
 2 YouTube ("Intervenors") request the Court strike Plaintiff's "Objection to Reply Evidence" dated
 3 June 6, 2022 concerning their pending Motion to Intervene. Dkt. 153. Although Plaintiff calls
 4 his latest filing an "Objection to Reply Evidence" pursuant to Local Rule 7-3(d)(1), the document
 5 is an argumentative surreply brief in violation of the Local Rule, which prohibits "further
 6 argument on the motion" without prior approval. The Court already denied a motion by Plaintiff
 7 to file a supplemental brief on the Motion to Intervene. *See* Dkts. 148 (motion) and 150 (order
 8 denying motion). Ignoring the Court's order denying his request for supplemental briefing (and
 9 while awaiting an order on a pending *second* motion for leave to file a surreply, Dkt. 152),
 10 Plaintiff decided to go ahead and file the brief anyway under the false heading of an "Objection."
 11 He admits that the document contains unauthorized legal argument, noting that it gives "an idea
 12 as to what kind of things I plan to argue upon supplemental filing[.]" Dkt. 153 ¶ 1. This
 13 "Objection" should be stricken as a violation of Local Rule 7-3(d)(1).

14 Intervenors also oppose Plaintiff's pending motion for leave to file a surreply brief – his
 15 36th motion in this case. Dkt. 152. Plaintiff purports to identify eight arguments that "were
 16 raised for the first time in the Reply," but that is false. *Id.* at 2. Each of the arguments identified
 17 in Plaintiff's motion are either restated from Intervenors' opening brief (Dkt. 138) and/or are
 18 made in direct response to arguments raised by Plaintiff in his opposition brief (Dkt. 144).

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20 Dated: June 7, 2022

Respectfully submitted,

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WILSON SONSINI GOODRICH & ROSATI
22 Professional Corporation

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By: s/ Jason Mollick

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Jason Mollick (*pro hac vice*)
 1301 Avenue of the Americas, 40th Floor
 25 New York, New York 10019
 Telephone: (212) 999-5800
 26 Facsimile: (212) 999-5899
 27 jmollick@wsgr.com

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Counsel for Intervenors
 Alphabet Inc. and YouTube, LLC